IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

INCOME TAX APPEAL NO. 200 OF 2002

The Commissioner of Income Tax Mumbai City-I Appellant

vs.

M/s.Matushree Textiles Ltd. Respondent

Ms.S.V. Bharucha i/b. Mr.H.D.Rathod for the appellant.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ

DATED : 10th September 2004

P.C.

Heard.

2. The Tribunal in the impugned order observed thus:

> " During the course of hearing of the appeal before us the ld. counsel for the assessee pointed out that identical issue arose in the case of the assessee for assessment year 1987-88 and the I.T.A.T., Bombay Bench 'A', as per its order dated 25th August, 1992 in I.T.A. No.1754 (Bom) of 1991 held that there was no contravention of the provision of sec. 40A(3). It was further stated that the aforesaid order of the Tribunal was followed by the I.T.A.T., Bombay Bench 'B' and vide their order dated 16th June, 1999 for the assessment year 1988-89, passed in the assessee's case in I.T.A. No.9399(Bom) of 1991 and the appeal of the revenue was dismissed. It was further pointed out that R.A. filed by the Revenue for assessment year 1987-88 was rejected vide Tribunal's order dated 19th July, 1993 in R.A.No.80 of 1999."

3. The impugned order being based on the earlier order for the assessment year 1987-88 and the said order having attained finality, no infirmity is found in the impugned order.

4. No substantial question of law arises in the appeal.

5. Appeal is dismissed in limine.

(R.M. LODHA, J.)

(J.P. DEVADHAR,J.)